

**Heber City Corporation  
City Council Meeting  
November 7, 2013**

**7:35 p.m.**

**REGULAR MEETING**

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on November 7, 2013, in the City Council Chambers at 75 North Main Street, Heber City, Utah.

**Present:**

Mayor  
Council Members

David R. Phillips  
Robert Patterson  
Alan McDonald  
Benny Mergist  
Jeffery Bradshaw  
Erik Rowland

**Also Present:**

City Manager  
City Recorder  
City Engineer  
Planning Director  
Chief of Police

Mark K. Anderson  
Michelle Kellogg  
Bart Mumford  
Anthony Kohler  
David Booth

**Others Present:** Randy Birch, Mike Johnston, Nathan Haack, Mark Smedley, Nile Horner, Ann Horner, Pam Patrick, and others whose names were illegible.

Mayor Phillips opened the meeting and welcomed those in attendance.

**Pledge of Allegiance:** Mayor David Phillips

**Prayer:** Council Member Alan McDonald

**Minutes:** October 17, 2013 Work and Regular Meetings

Council Member McDonald moved to approve the above listed minutes. Council Member Patterson seconded the motion. Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw and Rowland.

***OPEN PERIOD FOR PUBLIC COMMENT***

Nile Horner stated he had been having discussions with Bart Mumford and wanted to address the Council. He came to the Council a year ago when the City was installing water and sewer lines in front of his business. He gave permission for the City to install a fire hydrant but instead of installing the hydrant next to the property line, it was five or six feet onto his property. Also, in 1998, Ray Hult requested annexation into the City in order to develop. None of the three adjacent property owners wanted annexation, including Horner's father. After some discussion with the City, the owners were promised water and sewer hookups for allowing the annexation to go through. Horner indicated this was his understanding even though there was no record in the City Council minutes, and he didn't know if the negotiations were documented in the Planning

Commission minutes. Throughout the years, Horner has requested that the City honor that promise, but the City did not approve his request. Now that the water and sewer lines were next to his property, he was making another request that the City hook up the water and sewer to his property.

Mayor Phillips stated he was on the Planning Commission when the property was annexed. He couldn't remember any promises being made, but he remembered water and sewer discussions. Council Member Rowland asked if this request could be approved tonight. It was indicated the issue was not properly noticed and would need to go on a future agenda and then a motion would need to be made.

Anderson stated he had some Planning Commission minutes discussing and approving the Hult annexation, but there were no Horners present at these meetings. He searched all relevant minutes regarding this issue and couldn't find anything to confirm the offering of water and sewer hookups in exchange for annexation, and added that it was not City practice to make those kinds of deals.

Council Member Mergist requested that this issue be put on the next agenda for several reasons. He recalled when Horner came to the Council last year regarding the construction disrupting his business for several days, that the City agreed to allow Horner to hook up to the water and sewer lines without having to pay impact fees. In the four years he served on the Council, the Council members have allowed others to hookup to water and sewer without charge and relieved impact fees for far less than having a recollection of a conversation. It was agreed that this item would be on the next regular meeting agenda.

### ***APPOINTMENTS***

**Pamela Patrick, Request for Funds for Heber Valley 2014 Memorial Day Program:** Mayor Phillips praised the efforts of Patrick and the success of the 2013 Memorial Day program. She thanked the Council for their support last year and requested at least \$500 for the 2014 program. The Council agreed to give \$1,000, which was the same as last year's donation.

Council Member McDonald moved to approve a \$1,000 donation for the 2014 Memorial Day program. Council Member Mergist seconded the motion.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw and Rowland.

### ***ACTION ITEMS***

**Ordinance 2013-10, An Ordinance Adopting the Heber City Purchasing Policy:** Mayor Phillips indicated this ordinance incorporated previous meeting discussions. Council Member Mergist moved to approve Ordinance 2013-10, an ordinance adopting the Heber City Purchasing Policy. Council Member Bradshaw made the second.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw and Rowland.

**Approve Interlocal Cooperation Agreement between Wasatch County and Heber City for Law Enforcement Services:** Anderson stated the new language in this document was in how the City would pay for dispatch services.

Council Member McDonald moved to approve both the Interlocal Cooperation Agreement between Wasatch County and Heber City for Law Enforcement Services and the Mutual Aid Agreement between Summit County Sheriff's Office and Heber City Police Department for Law Enforcement Services. Council Member Mergist seconded the motion.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw and Rowland.

**Approve Mutual Aid Agreement between Summit County Sheriff's Office and Heber City Police Department for Law Enforcement Services:** The Agreement was approved. See the previous motion.

**Award Public Safety Building Architectural Contract:** Anderson stated that GSBS altered their fee, which saved the City approximately \$30,000, and some audio/visual services were included in the contract. Mumford stated the way the contract was set up, GSBS would charge 6.5% of the construction costs. In Phase II, there would be hard costs. That format was written into the contract. He clarified Phase I would cost 1.5%, Phase II would cost 3.4% and the construction phase would be 1.6% which totaled 6.5% of the total project. Anderson stated the City budgeted \$400,000 for architect fees, which would cover Phases I and II. Anderson added there would be some travel expenses to go to St. George for the CIB presentation.

Council Member Mergist moved to award the architectural contract for the public safety building to GSBS, and to give Mumford latitude to amend the contract. Council Member Rowland made the second.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw and Rowland.

### ***DISCUSSION/ACTION ITEMS***

**Approve Employee Christmas Bonus:** Council Member Mergist moved to approve Christmas Bonus Option Two as listed in the packet with an amendment to increase the bonus for fulltime employees to \$350. It was clarified that the \$350 bonus would not apply to the Council members. Council Member Patterson made the second.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw and Rowland.

With no further business, the meeting was adjourned.

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Michelle Kellogg, City Recorder